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January 28, 2013

VIA ECF

Honorable James Orenstein
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Shalina Ali v. City of New York, et al., 12-CV-6376 (RJD)(JO)

Your Honor:

I am a Special Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I am writing to respectfully request an enlargement of time for the City to answer or otherwise respond to the complaint from January 23, 2013 until March 22, 2013. Plaintiff's counsel Darius Wadia, Esq. has consented to this request.

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. In her complaint, plaintiff alleges that she was falsely arrested and charged with assault. Further, plaintiff alleges that the charges were subsequently dismissed by the District Attorney's Office. In order to respond to plaintiff's allegations, we need to obtain the underlying police records. This office is awaiting from plaintiff an originally executed consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiff's arrest, including police records, would be sealed. This office cannot obtain the records without the designation and release, and without the records, we cannot properly assess this case or respond to the complaint. Furthermore, since plaintiff alleges emotional and psychological injuries in this complaint, our office is in the process of forwarding for plaintiff's execution, authorizations for the release of medical records concerning any and all medical and/or psychological treatment received as a result of the alleged incident.

No previous request for an extension of time to respond to the complaint has been made by defendant City. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended until March 22, 2013.¹

Thank you for your consideration of this request.

Respectfully Submitted,

/s/

Deborah L. Mbabazi
Special Assistant Corporation Counsel
Special Federal Litigation Division

cc: Darius Wadia, Esq. (Via ECF)
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¹ On information and belief, the named officer defendant has not been served to date.